

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REGINALD FULLARD,)	
)	
Plaintiff,)	
)	
v.)	1:20CV253
)	
MS. PERRY,)	
)	
Defendant(s).)	

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on March 31, 2020, was served on the parties in this action. (ECF Nos. 2, 3). Plaintiff objected to the Recommendation. (ECF No. 4.)

The Court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.

In his objections, Plaintiff asks this Court to stay this action apparently because he has been prejudiced by the denial of access to his legal material. (ECF No. 4.) However, Plaintiff's objections do not address the problems noted in the Recommendation. That is, Plaintiff has not made it clear if he is raising concerns associated with a case in the Eastern District of North Carolina, he has not submitted a filing fee or a proper affidavit to proceed *in forma pauperis* in this District, nor has he filed a complaint on the proper forms used by this Court.

Plaintiff states that he is missing a set of forms (*id.* at 1), however, this is irrelevant to his alleged lack of access to legal material as forms are available upon request from the Clerk's office. Indeed, Plaintiff is a frequent litigator who has repeatedly demonstrated that he is capable of contacting the Court by mail. Lastly, to the extent Plaintiff requests appointment of counsel, his request is DENIED as counsel is not warranted at this time in light of the Recommendation and the instant Order. Accordingly,

IT IS THEREFORE ORDERED that this action is FILED and DISMISSED *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Recommendation if Plaintiff intends to file a case in this District.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 7th day of May 2020.

/s/ Loretta C. Biggs
United States District Judge